

## **REMARKS**

### Background

This Amendment is in response to the Non-Final Office Action mailed on December 9, 2004.

The Examiner rejected claims 4-16 as non-statutory over claims 1-3 of Booth, Jr. (US Patent No. 6,120,411) based on obviousness-type Double Patenting.

The Examiner noted that page 5 of the previous amendment was split between claims 14-16 and the Remarks.

Applicant has provided a new Claim Listing (and restated claims 1-16) and has made sure that the Claim Listing and Remarks are on separate pages.

Claims 4-16 are pending in the application.

In view of the long history of the Application and the fact that Applicant's attorney may not have access to all the documents affecting the case or claims the Examiner is encouraged to review the claims and specification for accuracy.

### Double Patenting

Applicant has submitted herewith a "Terminal Disclaimer to Obviate a Double Patenting Rejection Over a Prior Patent". In view of the submission of this Terminal Disclaimer with respect to US Patent 6,120, 411 Applicant submits that the Double Patenting rejection is now obviated.

### Claim Listing

Applicant has submitted herewith a new restated Claim Listing showing "clean" versions of all the claims for the convenience of the Examiner. Applicant

has made sure the Claim Listing is on separate pages from the Remarks in accordance with the Examiner's note.

#### Supplemental Declaration

In view of the fact that new claims 8-16 were added in the last Amendment and in view of the requirements of rule 35 CFR 167(b) that may apply under the circumstances, Applicant has submitted herewith a Supplemental Declaration.

#### Conclusion

Applicant requests reconsideration of the application as amended. All remaining rejections and objections have been addressed by the Applicant and have been overcome. Applicant submits that the claims are in condition for allowance and requests that the Examiner issue a Notice of Allowance at an early date. In the event that the Examiner has any questions or concerns Applicant suggests that the Examiner call Applicant's attorney to discuss the status of the case and the best way to move the application forward.

Respectfully Submitted,



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